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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 CAESAR'S WORLD, INC., a Florida
11 corporation,

12 **Plaintiff,**

13 **vs.**

14 MARCEL JULY, an individual; and
15 OCTAVIUS TOWER, LLC, a Nevada
16 limited liability company,

17 **Defendant.**

CASE NO. 2:11-CV-0536 GMN-PAL

SEPARATE ANSWER

OF

OCTAVIUS TOWER LLC

18 Defendant Octavius Tower, LLC (hereafter "Defendant"), for its Separate Answer, by and
19 through undersigned counsel, herewith answers the Complaint of the Plaintiff, Caesar's World,
20 Inc. (hereafter "Plaintiff") by ADMITTING, DENYING, or AFFIRMATIVELY ALLEGING as
21 follows (referenced paragraphs are those of Plaintiff's Complaint):

- 22 1) Defendant AFFIRMATIVELY ALLEGES that Defendant was served with Plaintiff's
23 Complaint and Summons on or about 10 April 2011; co-Defendant Marcel July has
24 been separately served in the Netherlands, and his time to respond under the Federal
25 Rules of Civil Procedure has not yet elapsed. For this reason, this pleading should be
26 construed as Defendant Octavius Tower, LLC's separate answer.
- 27 2) Defendant is without knowledge of those allegations contained in paragraph 1 and so
28 DENY the same.
- 3) Defendant ADMITS the allegations of paragraphs 2 and 3.
- 4) Defendant DENIES the allegations of paragraph 4.
- 5) Defendant ADMITS the allegations of paragraphs 5,6, and 7.
- 6) Defendant DENIES the allegations of paragraph 8.

- 1 7) Defendant ADMITS the allegations of paragraphs 9 and 10.
- 2 8) Defendant is without knowledge of those allegations contained in paragraphs 11, 12,
- 3 and 13 and so DENY the same.
- 4 9) Defendant ADMITS the allegations of paragraph 14.
- 5 10) Defendant is without knowledge of those allegations contained in paragraphs 15 and
- 6 16.
- 7 11) Defendant ADMITS the allegations of paragraph 17.
- 8 12) Defendant is without knowledge of those allegations contained in paragraphs 18 and
- 9 19.
- 10 13) Defendant ADMITS the allegations of paragraphs 20 and 21.
- 11 14) Defendant DENIES the allegations of paragraphs 22, 23, 24, and 25.
- 12 15) Defendant ADMITS the allegations of paragraphs 26 and 27.
- 13 16) Defendant DENIES the allegations of paragraph 28.
- 14 17) Defendant ADMITS the allegations of paragraph 29.
- 15 18) Defendant DENIES the allegations of paragraphs 30 and 31.
- 16 19) Defendant ADMITS the allegations of paragraphs 32 and 33.
- 17 20) Defendant DENIES the allegations of paragraph 34.
- 18 21) Defendant ADMITS the allegations of paragraph 35.
- 19 22) Defendant DENIES the allegations of paragraph 36 and 37.
- 20 23) Defendant ADMITS the allegations of paragraphs 38(a)-(d) and 39.
- 21 24) Defendant DENIES the allegations of paragraph 40.
- 22 25) Defendant ADMITS the allegations of paragraphs 41, 42, 43, 44, and 45.
- 23 26) Defendant takes no position on paragraph 46.
- 24 27) Defendant DENIES the allegations of paragraphs 47 and 48.
- 25 28) Defendant takes no position on paragraph 49.
- 26 29) Defendant DENIES the allegations of paragraphs 50 and 51.

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- 1 30) Defendant takes no position on paragraph 52.
- 2 31) Defendant DENIES the allegations of paragraphs 53 and 54.
- 3 32) Defendant takes no position on paragraph 55.
- 4 33) Defendant ADMITS the allegations of paragraph 56.
- 5 34) Defendant DENIES the allegations of paragraph 57, 58, 59, 60, 61.
- 6 35) Defendant takes no position on paragraph 62.
- 7 36) Defendant ADMITS the allegations of paragraph 63 and 64.
- 8 37) Defendant DENIES the allegations of paragraphs 65, 66, 67, 68, 69, 70, and 71.
- 9 38) Defendant takes no position on paragraph 72.
- 10 39) Defendant DENIES the allegations of paragraph 73
- 11 40) Defendant ADMITS the allegations of paragraph 74.
- 12 41) Defendant DENIES the allegations of paragraphs 75, 76, and 77.
- 13 42) Defendant takes no position on paragraph 78.
- 14 43) Defendant ADMITS the allegations of paragraph 79, 80, 81, 82, 83, 84, 85, 86, and
- 15 87.
- 16 44) Defendant takes no position on paragraph 88.
- 17 45) Defendant is without knowledge of those allegations contained in paragraphs 89 and
- 18 90 and so DENIES the same.
- 19 46) Defendant DENIES the allegations of paragraphs 91, 92, and 93.
- 20 47) Defendant takes no position on 94.
- 21 48) Defendant is without knowledge of those allegations contained in paragraphs 95 and
- 22 96 and so DENIES the same.
- 23 49) Defendant ADMITS the allegations of paragraph 97.
- 24 50) Defendant DENIES the allegations of paragraphs 98, 99, 100, 101, and 102.
- 25 51) Any allegations of Plaintiff's Complaint not answered herein are herewith DENIED.
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1 **AFFIRMATIVE DEFENSES**

2 Defendant states the following affirmative defenses:

3 52) Plaintiff's Complaint fails to state a claim upon which relief can be granted.

4 53) Defendant denies any negligence and requisite elements of breach and causation.

5 54) Defendant denies that it proximately caused any damage(s) to the Plaintiff.

6 55) Defendant claims that any damages caused to Plaintiff were caused solely by the
7 actions or omission of third parties not under the control of Defendant.

8 56) Defendant alleges on information and belief that any damages incurred by Plaintiff, if
9 any, were proximately caused or contributed to by its own negligence which bars or
10 reduces any recovery against Defendant.

11 57) Defendant alleges that damages suffered by Plaintiff, if any, were caused by an
12 intervening and/or superseding cause, thus relieving Defendant of any liability.

13 58) Defendant claims that Plaintiff has waived any and all claims against Defendant, thus
14 precluding recovery.

15 59) Defendant claims that Plaintiff's claims are barred by the theory of laches.

16 60) Defendant claims that Plaintiff's remedies are barred by the theory of unclean hands.

17 61) Defendant claims that Plaintiff's claims are barred by the Statute of Frauds.

18 62) Defendant claims that Plaintiff's claims are barred by the theory of estoppel.

19 63) Defendant claims that Plaintiff failed to mitigate its damages, if any.

20 64) Defendant claims the defense of failure of consideration.

21 65) Defendant raises defenses of release and assumption of risk.

22 66) Defendant further raises all defenses contained with Federal Rule of Civil Procedure
23 8(c)(1) and 12(b).

24 **ATTORNEYS FEES**

25 67) Defendant has been forced to hire counsel to defend against the claims of the Plaintiff
26 and should be entitled to recover its costs and a reasonable attorneys fee.
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1 WHEREFORE, Defendant having fully answered the Complaint of the Plaintiff, prays for relief
2 as follows:

- 3 A) That this Honorable Court will dismiss the Complaint of the Plaintiff with prejudice
4 and granting Plaintiff no relief thereby.
- 5 B) That this Honorable Court will grant Defendant judgment for its costs and reasonable
6 attorneys fees against the Plaintiff.
- 7 C) That this Honorable Court will grant such further and other relief as deemed proper in
8 the circumstances.

9 DATED THIS 3rd OF May 2011.

10 SANFT LAW GROUP

11
12 /s/ Michael W. Sanft
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18 Attorneys for Defendants
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